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# NOTICE OF ALLOWANCE AND FEE(S) DUE

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03/09/2004

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW

STE 1750

ATLANTA, GA 30339-5948

EXAMINER
JONES, MELVIN

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PAPER NUMBER

3744

**ART UNIT** 

DATE MAILED: 03/09/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,179	08/08/2003	John Henry Gano III	80710-1015	3926

TITLE OF INVENTION: SYSTEMS AND METHODS FOR STORING ITEMS WITH CONTAINERS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	06/09/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

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A. Pay TOTAL FEE(S) DUE shown above, or

- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.
- ☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- II. PART B FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

#### PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

maintenance fee notification	ns.								
CURRENT CORRESPONDENC	CE ADDRESS (Note: Legibly mark-up	p with any corrections or use Block	1)	Fee(s) Transmittal. 1	of mailing can only be used for this certificate cannot be used nal paper, such as an assignment	for any other accompanying			
24504 73	590 03/09/2004			papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.					
THOMAS, KAY 100 GALLERIA P STE 1750 ATLANTA, GA 30	,	YER & RISLEY, LL	<sub>-</sub> P	Certificate of Mailing or Transmission  I hereby certify that this Fee(s) Transmittal is being deposited with the Unite States Postal Service with sufficient postage for first class mail in an envelop addressed to the Mail Stop ISSUE FEE address above, or being facsimil transmitted to the USPTO, on the date indicated below.					
THE HAIT, OILD						(Depositor's name)			
						(Signature)			
						(Date)			
APPLICATION NO.	FILING DATE	FIRST NA	AMED INVEN	VTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.			
10/637,179	08/08/2003	John 1	Henry Gano	III	80710-1015	3926			
TITLE OF INVENTION: S	YSTEMS AND METHODS	FOR STORING ITEMS W	ITH CONT.	AINERS					
APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PI	UBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE			
nonprovisional	YES	\$665		\$300	\$965	06/09/2004			
EXAN	MINER	ART UNIT	C	LASS-SUBCLASS					
JONES,	MELVIN	3744		062-457900					
PTO/SB/47; Rev 03-02 Number is required.  3. ASSIGNEE NAME AND PLEASE NOTE: Unless been previously submitte (A) NAME OF ASSIGN	EE	BE PRINTED ON THE PAT low, no assignee data will a submitted under separate co (B) RESID	TENT (print appear on the ver. Comple ENCE: (CIT	<b>71</b> /	assignee data is only appropri	ate when an assignment has signment.			
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other than the applicant;	d Publication Fee (if require a registered attorney or agreed of the United States Page 1	ent; or the assignee or oth	ner party in						
obtain or retain a benefit application. Confidentiality estimated to take 12 minus completed application for case. Any comments on suggestions for reducing the Patent and Trademark (22313-1450. DO NOT SEND TO: Commissioner Under the Paperwork Re	ation is required by 37 CFR by the public which is to find the public which is to find the graph of the USPTO. Time with the amount of time you have burden, should be sent office, U.S. Department SEND FEES OR COMPLES for Patents, Alexandria, Virgous duction Act of 1995, no patents.	ile (and by the USPTO to 122 and 37 CFR 1.14. This cathering, preparing, and sublic vary depending upon the require to complete this for the Chief Information Of Commerce, Alexandria TED FORMS TO THIS again a 22313-1450.	process) an collection is omitting the individual form and/or officer, U.S. a, Virginia ADDRESS.						
collection of information u	mless it displays a valid OM	B control number.	-	1					



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APPLICATION NO.	FILING DAT	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/637,179 08/08/2003		John Henry Gano III	80710-1015	3926		
24504	7590 03/0	004	EXAM	INER		
·	AYDEN, HORST	JONES, N	JONES, MELVIN			
100 GALLERI STE 1750	A PARKWAY, NV		ART UNIT	PAPER NUMBER		
ATLANTA, G	A 30339-5948	3744				
			DATE MAILED: 03/09/2004	1		

# Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

6	Application No.	Applicant(s)
	10/637,179	GANO, JOHN HENRY
Notice of Allowability	Examiner	Art Unit
	Melvin Jones	3744
The MAILING DATE of this communication appeal All claims being allowable, PROSECUTION ON THE MERITS IS (herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGORITHM (of the Office or upon petition by the applicant. See 37 CFR 1.313 1. This communication is responsive to 08/08/2003.	(OR REMAINS) CLOSED i or other appropriate comm <b>GHTS.</b> This application is	n this application. If not included unication will be mailed in due course. <b>THIS</b>
2. The allowed claim(s) is/are <u>1-16</u> .		
3. The drawings filed on <u>08 August 2003</u> are accepted by the	Examiner.	
4. Acknowledgment is made of a claim for foreign priority un  a) All b) Some* c) None of the:  1. Certified copies of the priority documents have  2. Certified copies of the priority documents have  3. Copies of the certified copies of the priority documents have  International Bureau (PCT Rule 17.2(a)).  * Certified copies not received:  Applicant has THREE MONTHS FROM THE "MAILING DATE" of noted below. Failure to timely comply will result in ABANDONMITHIS THREE-MONTH PERIOD IS NOT EXTENDABLE.  5. A SUBSTITUTE OATH OR DECLARATION must be submitined in NFORMAL PATENT APPLICATION (PTO-152) which give comply including changes required by the Notice of Draftsperson (a) including changes required by the attached Examiner's including changes required by the attached Examiner's	been received in Application to file cuments have been received of this communication to file ENT of this application.  Itted. Note the attached EX is reason(s) why the oath of the submitted.  It be submitted.  It is application on the submitted.  It is application on the submitted.	on No  ed in this national stage application from the e a reply complying with the requirements  AMINER'S AMENDMENT or NOTICE OF or declaration is deficient.  w ( PTO-948) attached
Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1.)  each sheet. Replacement sheet(s) should be labeled as such in the	84(c)) should be written on t	the drawings in the front (not the back) of
7. DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT F	sit of BIOLOGICAL MAT	ERIAL must be submitted. Note the
<ul> <li>Attachment(s)</li> <li>1. ☑ Notice of References Cited (PTO-892)</li> <li>2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/06 Paper No./Mail Date 09/22/2003</li> <li>4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ul>	6.  Interview S Paper No. 8), 7.  Examiner's	Informal Patent Application (PTO-152) Summary (PTO-413), /Mail Date Summary (PTO-413), /Mail Date Summary (PTO-413), /Mail Date Summary (PTO-152)

# Notice of References Cited

Application/Control No.

10/637,179

Examiner

Melvin Jones

Applicant(s)/Patent Under
Reexamination
GANO, JOHN HENRY

Art Unit
Page 1 of 1

#### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	Α	US-5,417,082	05-1995	Foster et al.	62/457.1
*	В	US-5,419,152	05-1995	Silber, Paul M.	62/372
*	С	US-5,435,142	07-1995	Silber, Paul M.	62/60
*	D	US-5,899,088	05-1999	Purdum, Howard E.	62/371
*	E	US-4,573,581	03-1986	Galloway et al.	206/570
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#### FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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#### **NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Application/Control Number: 10/637,179

Art Unit: 3744

# Allowable Subject Matter

# Claims 1-16 are allowed over the prior art of record.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Jones whose telephone number is (703) 305-0251. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on (703) 308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mj

MELVIN JONES
PRIMARY EXAMINER

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Examine Initials		Document Number	Date	Nam	ie	Class	Subclass	Filing I	
MI	A	6,216,487	4/17/01	Gano, III		62	457.5		
13	В	293,851	01/98	Cannon, et al.		D3	37		
	С	330,631	- 11/92	Ledbetter		D3	37		
	D	3,262,283	7/66	Taylor		62	457.5		
	E	4,295,345	10/81	Atkinson		62	371		
	F	4,324,111	4/82	Edwards		62	457		
	G	4,516,409	5/85	Hobbs, Jr. et al.		62	457		
	Н	4,741,176	5/88	Johnson, et al.		62	457		
	I	4,989,767	2/91	Buschbom		224	274		
	/ ]	5,007,250	4/91	Musielak		62	372		
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			FOREIGN	PATENT DOCUM	ENTS				
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		OTHER DOCU	MENTS (Inclu	ding Author, Title, L	Date, Pertinent I	Pages, etc	c.)		
	P	"Systems and Methods for	or Storing Items	with Containers," Filed	l April 30, 2002,	Serial No.	10/135,606		
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EXAMINER'S SIGNATURE:

Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

DATE CONSIDERED:

For	Form PTO-1449					Attorney Docket No. 80710-1015		Serial No. 10/637,179		
	IN	FOR	MATION DISCL	OSURE CI	TATION	Applicant John Gano, I	II			
			(Use several sheets	if ne <b>ces</b> sary)		Filing Date 8/8/03		Group To B	e Assigi	ned
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	<b>M</b> 1	L	5,490,396	11/94	Morris		62	457.2		
	1	М	5,582,028	12/96	Rilling, et al.		62	530		
		N	5,595,069	1/97	Gies		62	530		
		0	5,887,437	3/99	Maxim		62	4		
	-	P	5,931,005	8/99	Garrett, et al.		62	86		
		Q	6,067,816	5/00	Hodosh		62	457.4		
	m	R	6,401,484	6/11/02	Gano, III		62	457.5		
				FOREIGN	PATENT DOCUM	ENTS				
			Document Number	Date	Coun	try	Class	Subclass	Transla	ation
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# NOTICE OF OFFICE PLAN TO CEASE SUPPLYING COPIES OF CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS, AND PILOT TO EVALUATE THE ALTERNATIVE OF PROVIDING ELECTRONIC ACCESS TO SUCH U.S. PATENT REFERENCES

# **Summary**

The United States Patent and Trademark Office (Office or USPTO) plans in the near future to: (1) cease mailing copies of U.S. patents and U.S. patent application publications (US patent references) with Office actions except for citations made during the international stage of an international application under the Patent Cooperation Treaty and those made during reexamination proceedings; and (2) provide electronic access to, with convenient downloading capability of, the US patent references cited in an Office action via the Office's private Patent Application Information Retrieval (PAIR) system which has a new feature called "E-Patent Reference." Before ceasing to provide copies of U.S. patent references with Office actions, the Office shall test the feasibility of the E-Patent Reference feature by conducting a two-month pilot project starting with Office actions mailed after December 1, 2003. The Office shall evaluate the pilot project and publish the results in a notice which will be posted on the Office's web site (www.USPTO.gov) and in the Patent Official Gazette (O.G.). In order to use the new E-Patent Reference feature during the pilot period, or when the Office ceases to send copies of U.S. patent references with Office actions, the applicant must: (1) obtain a digital certificate from the Office; (2) obtain a customer number from the Office, and (3) properly associate applications with the customer number. The pilot project does not involve or affect the current Office practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of references will continue to be provided by the USPTO for searches and written opinions prepared by the USPTO for international applications during the international stage and for reexamination proceedings.

# Description of Pilot Project to Provide Electronic Access to Cited U.S. Patent References

On December 1, 2003, the Office will make available a new feature, E-Patent Reference, in the Office's private PAIR system, to allow more convenient downloading of U.S. patents and U.S. patent application publications. The new feature will allow an authorized user of private PAIR to download some or all of the U.S. patents and U.S. patent application publications cited by an examiner on form PTO-892 in Office actions, as well as U.S. patents and U.S. patent application publications submitted by applicants on form PTO/SB08 (1449) as part of an IDS. The retrieval of some or all of the documents may be performed in one downloading step with the documents encoded as Adobe Portable Document format (.pdf) files, which is an improvement over the current page-by-page retrieval capability from other USPTO systems.

Steps to Use the New E-Patent Reference Feature During the Pilot Project and Thereafter

Access to private PAIR is required to utilize E-Patent Reference. If you don't already have access to private PAIR, the Office urges practitioners, and applicants not represented by a practitioner, to take advantage of the transition period to obtain a no-cost USPTO Public Key Infrastructure (PKI) digital certificate, obtain a USPTO customer number, associate all of their pending and new application filings with their customer number, install no-cost software (supplied by the Office) required to access private PAIR and E-Patent Reference feature, and make appropriate arrangements for Internet access. The full instructions for obtaining a PKI digital certificate are available at the Office's Electronic Business Center (EBC) web page at: <a href="http://www.uspto.gov/ebc/downloads.html">http://www.uspto.gov/ebc/downloads.html</a>. Note that a notarized signature will be required to obtain a digital certificate.

To get a Customer Number, download and complete the Customer Number Request form, PTO-SB125, at: <a href="http://www.uspto.gov/web/forms/sb0125.pdf">http://www.uspto.gov/web/forms/sb0125.pdf</a>. The completed form can then be transmitted by facsimile to the Electronic Business Center at (703) 308-2840, or mailed to the address on the form. If you are a registered attorney or patent agent, then your registration number must be associated with your customer number. This is accomplished by adding your registration number to the Customer Number Request form. A description of associating a customer number with an application is described at the EBC web page at: <a href="http://www.uspto.gov/ebc/registration\_pair.html">http://www.uspto.gov/ebc/registration\_pair.html</a>.

The E-Patent Reference feature will be accessed using a new button on the private PAIR screen. Ordinarily all of the cited U.S. patent and U.S. patent application publication references will be available over the Internet using the Office's new E-Patent Reference feature. The size of the references to be downloaded will be displayed by E-Patent Reference so the download time can be estimated. Applicants and registered practitioners can select to download all of the references or any combination of cited references. Selected references will be downloaded as complete documents as Adobe Portable Document Format (.pdf) files. For a limited period of time, the USPTO will include a copy of this notice with Office actions to encourage applicants to use this new feature and, if needed, to take the steps outlined above in order to be able to utilize this new feature during the pilot and thereafter.

During the two-month pilot, the Office will evaluate the stability and capacity of the E-Patent Reference feature to reliably provide electronic access to cited U.S. patent and U.S. patent application publication references. While copies of U.S. patent and U.S. patent application publication references cited by examiners will continue to be mailed with Office actions during the pilot project, applicants are encouraged to use the private PAIR and the E-Patent Reference feature to electronically access and download cited U.S. patent and U.S. patent application publication references so the Office will be able to objectively evaluate its performance. The public is encouraged to submit comments to the Office on the usability and performance of the E-Patent Reference feature during the pilot. Further, during the pilot period registered practitioners, and applicants not represented by a practitioner, are encouraged to experiment with the feature, develop a proficiency in using the feature, and establish new internal processes for using the new access to the cited U.S. patents and U.S. patent application publications to prepare for the anticipated cessation of the current Office practice of supplying copies of such cited

references. The Office plans to continue to provide access to the E-Patent Reference feature during its evaluation of the pilot.

#### Comments

Comments concerning the E-Patent Reference feature should be in writing and directed to the Electronic Business Center (EBC) at the USPTO by electronic mail at <a href="mailto:eReference@uspto.gov">eReference@uspto.gov</a> or by facsimile to (703) 308-2840. Comments will be posted and made available for public inspection. To ensure that comments are considered in the evaluation of the pilot project, comments should be submitted in writing by January 15, 2004.

Comments with respect to specific applications should be sent to the Technology Centers' customer service centers. Comments concerning digital certificates, customer numbers, and associating customer numbers with applications should be sent to the Electronic Business Center (EBC) at the USPTO by facsimile at (703) 308-2840 or by e-mail at EBC@uspto.gov.

# Implementation after Pilot

After the pilot, its evaluation, and publication of a subsequent notice as indicated above, the Office expects to implement its plan to cease mailing paper copies of U.S. patent references cited during examination of non provisional applications on or after February 2, 2004; although copies of cited foreign patent documents, as well as non-patent literature, will still be mailed to the applicant until such time as substantially all applications have been scanned into IFW.

#### For Further Information Contact

Technical information on the operation of the IFW system can be found on the USPTO website at http://www.uspto.gov/web/patents/ifw/index.html. Comments concerning the E-Patent Reference feature and questions concerning the operation of the PAIR system should be directed to the EBC at the USPTO at (866) 217-9197. The EBC may also be contacted by facsimile at (703) 308-2840 or by e-mail at EBC@uspto.gov.

Date. 12 103

Nicholas P. Godici

Commissioner for Patents